



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Buchanan for President, Inc. and
Angela M. "Bay" Buchanan,
In her official capacity as treasurer

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STATEMENT OF REASONS COMMISSIONER ELLEN L. WEINTRAUB

Using unregistered campaign accounts is a violation that cuts to the core of the Federal Election Campaign Act. Buchanan for President and its treasurer, Bay Buchanan, set up an account separate from the principal campaign committee for the specific purpose of soliciting and accepting secret, illegal contributions to pay campaign-related expenses. They did this, despite Ms. Buchanan having been previously admonished by the Commission for virtually identical conduct. The Commission was so troubled by this behavior that we took the rare step of finding probable cause to believe that respondents engaged in knowing and willful violations of the statute. The significance of this finding should not be ignored or understated. For a variety of reasons having little to do with the seriousness of the violations, the Commission was persuaded to accept a conciliation agreement containing a much lower penalty than would otherwise be warranted. I would not want anyone reviewing this agreement, however, to underestimate the gravity of the conduct at issue in this case.

Particularly troubling was Ms. Buchanan's disdain for the Commission and the law. It is simply not credible to assert that any treasurer, no less one of Ms. Buchanan's experience, could have thought that this conduct was legal. Not surprisingly, she was unable to substantiate claims that she had been advised by an unidentified attorney that this scheme was legal. Nor is it a defense to suggest that the Commission's previous admonishment letter was beneath her notice. It is cases like this one that prompted the Commission to adopt a new policy providing that treasurers would subsequently be named in their personal capacities and held personally liable for violations by the committees they serve when those treasurers have acted knowingly and willfully, recklessly, or have intentionally deprived themselves of the pertinent facts. Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings, 70 FR at 1, adopted

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December 16, 2004 (available at <http://www.fec.gov/law/policy/2004/notice2004-20.pdf>). Had the Commission's Statement of Policy regarding Treasurers been in effect at the time the Commission made Reason to Believe findings in this case, Ms. Buchanan's individual culpability in this blatantly illegal activity was so significant that I would have supported making findings against her in her personal capacity.

Ellen L. Weintraub
Ellen L. Weintraub
Commissioner

2/17/06
Date

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